

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814

NE: (916) 323-3562

(916) 445-0278

E-mail: csminfo@csm.ca.gov



September 11, 2008

Mr. Patrick Day
San Jose Unified School District
855 Lenzen Avenue
San Jose, CA 95126-2736

And Affected State Agencies and Interested Parties (see enclosed mailing list)

Re: **Final Staff Analysis, Proposed Statewide Cost Estimate, and Hearing Date**
Pupil Safety Notices, 02-TC-13
Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987
Welfare and Institutions Code Section 18285
Statutes 1983, Chapter 498; Statutes 1984, Chapter 482; Statutes 1984, Chapter 948;
Statutes 1986, Chapter 196; Statutes 1986, Chapter 332; Statutes 1992, Chapter 445;
Statutes 1992, Chapter 1317; Statutes 1993, Chapter 589; Statutes 1994, Chapter 1172;
Statutes 1996, Chapter 1023; Statutes 2002, Chapter 492
California Code of Regulations, Title 5, Section 11523
San Jose Unified School District, Claimant

Dear Mr. Day:

The final staff analysis and proposed statewide cost estimate for the above-named program are enclosed.

Hearing

This matter is set for hearing on Friday, **September 26, 2008** at 9:30 a.m., Room 447, State Capitol, Sacramento, California. This matter is proposed for the consent calendar. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c)(2), of the Commission's regulations.

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Please contact Nancy Patton at (916) 323-8217 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula Higashi".
PAULA HIGASHI
Executive Director

Enclosure

J:\mandates\2002\02tc13\sce\fsatrans

ITEM 11
FINAL STAFF ANALYSIS
PROPOSED STATEWIDE COST ESTIMATE

Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987
Welfare and Institutions Code Section 18285

Statutes 1983, Chapter 498; Statutes 1984, Chapter 482; Statutes 1984, Chapter 948;
Statutes 1986, Chapter 196; Statutes 1986, Chapter 332; Statutes 1992, Chapter 445;
Statutes 1992, Chapter 1317; Statutes 1993, Chapter 589; Statutes 1994, Chapter 1172;
Statutes 1996, Chapter 1023; Statutes 2002, Chapter 492

California Code of Regulations, Title 5, Section 11523

Pupil Safety Notices
02-TC-13

EXECUTIVE SUMMARY

Summary of the Mandate

The Commission on State Mandates (Commission) adopted the Statement of Decision for the *Pupil Safety Notices* test claim, which requires (1) school districts to provide notices and information regarding health, safety and legal issues to staff, parents, guardians and students; and (2) for a school district receiving a transfer student, upon notice that the school district from which the student is being transferred has withheld the grades, diploma or transcripts of that student, to continue to withhold the grades, diploma or transcripts of any transfer student, until it receives notice that the district that initiated the decision to withhold, has rescinded that decision. The Commission found that test claim statutes and regulation constitute a new program or higher level of service and impose a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The claimant filed the test claim on February 21, 2003. The Commission adopted a Statement of Decision on December 4, 2006, and the parameters and guidelines on December 6, 2007. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 9, 2008.

Statewide Cost Estimate

Staff reviewed the claims data submitted by two school districts, and compiled by the SCO. The actual claims data showed that 12 claims were filed between fiscal years 2001-2002 and 2006-2007 for a total of \$37,296.¹ This program requires school districts to, among other things, disseminate several different notices regarding school site lead risk factors, confidential medical services, the California High School Proficiency Exam, and guidelines for complaint procedures

¹ Claims data reported as of August 13, 2008.

regarding child abuse committed against a pupil at a school site, including any costs to interpret those guidelines in other languages for the requesting parents or guardians. Staff found that the majority of costs for the two districts that filed reimbursement claims were for disseminating the child abuse guidelines and related interpreter costs.

Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

1. The actual amount claimed may increase if late or amended claims are filed.
2. Non-claiming school districts did not file claims because they did not incur more than \$1000 in increased costs for this program.
3. The Galt Joint Union High School District and Live Oak Unified School District will continue to incur costs over \$1,000 and will continue to file reimbursement claims.
4. The SCO may audit and reduce any reimbursement claim for this program, which could result in the amount of reimbursement being lower than the statewide cost estimate.

Methodology

Fiscal Years 2001-2002 through 2006-2007

The proposed statewide cost estimate for fiscal years 2001-2002 through 2006-2007 is based on the 12 unaudited actual reimbursement claims filed with the SCO for these years.

Fiscal Year 2007-2008

Staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2007-2008 (5.5%), as forecast by Department of Finance.

The proposed statewide cost estimate includes seven fiscal years for a total of \$45,668. This averages to \$6,524 annually in costs for the state.

State Agency Comments

The Department of Finance submitted comments on the draft staff analysis on September 8, 2008, recommending the adoption of the statewide cost estimate be delayed until the reimbursement claims used to develop the cost estimate are audited by the SCO.

Staff disagrees that the cost estimate can be delayed until reimbursement claims are audited.

Government Code section 17551 requires the Commission, if it determines there are costs mandated by the state, to determine the amount to be subvended to local agencies and school districts for reimbursement. Government Code section 17553 requires the Commission, when a determination is made that a mandate exists, to adopt regulations to ensure that a statewide cost estimate is adopted within 12 months after receipt of a test claim. Therefore, state law does not allow the Commission to delay adoption of the statewide cost estimate until the claims are audited by the SCO.

Moreover, Department of Finance's recommendation to delay the adoption of the statewide cost estimate is not consistent with the statutory scheme in Government Code section 17500 et seq.

The adoption of a statewide cost estimate triggers other functions that can lead to an appropriation of funds for the mandated program. Government Code section 17600 requires the Commission to report the statewide cost estimate to the Legislature. Once the Commission reports the statewide cost estimates to the Legislature, Government Code section 17562 requires the Legislative Analyst's Office to review the new mandate(s) and make recommendations to the Legislature as to whether the mandate should be repealed, funded, suspended, or modified. The Legislature then has the authority under Government Code section 17612 to amend, modify, or supplement parameters and guidelines, reasonable reimbursement methodologies, and/or the statewide cost estimates of the mandated programs; or can fund the program for costs incurred in prior years in the subsequent Budget Act. Thus, the adoption of the statewide cost estimate is necessary for the Legislature to appropriate funds. Furthermore, a delay in the appropriation of funds can lengthen the audit period of the State Controller's Office. Government Code section 17558.5 provides that a reimbursement claim is subject to the initiation of an audit by the Controller no later than three years after the date that the reimbursement claim is filed or last amended, whichever is later, unless there has been no appropriation or payment to a claimant. "[I]f no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim." Accordingly, a delay in adopting a statewide cost estimate is not consistent with the way the Legislature established the mandate reimbursement process.

Therefore, staff finds that the Commission should not delay adoption of this statewide cost estimate.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the proposed statewide cost estimate of **\$45,668** (\$6,524 in annual costs) for costs incurred in complying with the *Pupil Safety Notices* program.

STAFF ANALYSIS

Summary of the Mandate

This program requires (1) school districts to provide, for the first time, notices and information regarding health, safety and legal issues to staff, parents, guardians and students; and (2) for a school district receiving a transfer student, upon notice that the school district from which the student is being transferred has withheld the grades, diploma or transcripts of that student, to continue to withhold the grades, diploma or transcripts of any transfer student, until it receives notice that the district that initiated the decision to withhold, has rescinded that decision.

The Commission on State Mandates (Commission) adopted the Statement of Decision for the *Pupil Safety Notices* test claim. The Commission found that test claim statutes and regulation constitute a new program or higher level of service and impose a partially reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The claimant filed the test claim on February 21, 2003. The Commission adopted a Statement of Decision on December 4, 2006, and the parameters and guidelines on December 6, 2007. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by June 9, 2008.

Reimbursable Activities

The Commission approved the following reimbursable activities for this program:

1. For the principal of the school site, within 45 days of receiving lead test survey results from the Department of Health Services, to notify the teachers and other school personnel and parents of the survey results. (Ed. Code, § 32242, subd. (c).)
2. For schools to notify parents of the Childhood Lead Poisoning Prevention Act of 1991 upon receiving a finding that a school site has significant risk factors for lead. (Ed. Code, § 32243, subd. (a).)
3. For schools, within 45 days of receiving a finding by the Department of Health Services that a school subject to the Lead-Safe Schools Act has significant risk factors for lead, to notify the teachers, other personnel, and the parents of the finding. (Ed. Code, § 32243, subd. (a).)
4. For school districts to amend an existing notice sent to pupils in grades 7-12 and their parents or guardians to include the provision that "school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian." This activity is a one-time activity. (Ed. Code, § 46010.1.)
5. To disseminate guidelines, upon request, that describe complaint procedures, adopted by the State Department of Education, to parents or guardians of minor pupils in the primary language of the parent or guardian which he or she can follow in filing a complaint of child abuse by a school employee or other person committed against a pupil at a school site. (Ed. Code, § 48987.)
6. To provide an interpreter for a parent or guardian, whose primary language is other than English, in the case of any communications concerning the guidelines and procedures for filing child abuse complaints committed against a pupil at a school site. (Ed. Code, § 48987.)

7. For the principal of each school with students in grades 11 and/or 12 to distribute to each pupil in those grades an announcement explaining the California High School Proficiency Exam provided for under Education Code section 48412 in time to meet registration requirements for the fall test of that year. (Cal. Code Regs., tit. 5, § 11523.)
8. To establish rules and regulations governing procedures for withholding grades, transcripts, and diplomas. (Ed. Code, § 48904, subd. (b)(3).)
9. For a transferee school, upon notice that a school district has withheld the grades, diploma or transcripts of any pupil pursuant to Education code section 48904, to continue to withhold the grades, diploma or transcripts of any transfer student as authorized by that section, until such time as it receives notice, from the district that initiated the decision to withhold, that the decision has been rescinded under the terms of that section. (Ed. Code, § 48904.3, subd. (a).)

Statewide Cost Estimate

Staff reviewed the claims data submitted by two school districts, and compiled by the SCO. The actual claims data showed that 12 claims were filed between fiscal years 2001-2002 and 2006-2007 for a total of \$37,296.² This program requires school districts to, among other things, disseminate several different notices regarding school site lead risk factors, confidential medical services, the California High School Proficiency Exam, and guidelines for complaint procedures regarding child abuse committed against a pupil at a school site, including any costs to interpret those guidelines in other languages for the requesting parents or guardians. Staff found that the majority of costs for the two districts that filed reimbursement claims were for disseminating the child abuse guidelines and related interpreter costs.

Based on this data, staff made the following assumptions and used the following methodology to develop a statewide cost estimate for this program. If the Commission adopts this proposed statewide cost estimate, it will be reported to the Legislature along with staff's assumptions and methodology.

Assumptions

Staff made the following assumptions:

2. *The actual amount claimed may increase if late or amended claims are filed.*

Only two school districts in California have filed 12 reimbursement claims for this program. Thus, if reimbursement claims are filed by any of the remaining school districts, the amount of reimbursement claims may exceed the statewide cost estimate. For this program, late claims for 2002-2003 through 2006-2007 may be filed until June 2009.

2. *Non-claiming school districts did not file claims because they did not incur more than \$1000 in increased costs for this program.*

Most school districts will be unable to meet the \$1,000 minimum threshold for filing reimbursement claims, because only a portion of this program was approved as a reimbursable state mandate, and there are offsetting revenues available for a portion of the mandate.

3. *The Galt Joint Union High School District and Live Oak Unified School District will continue to incur costs over \$1,000 and will continue to file reimbursement claims.*

² Claims data reported as of August 13, 2008.

5. The SCO may reduce any reimbursement claim for this program.

If the SCO audits this program and deems any reimbursement claim to be excessive or unreasonable, it may be reduced. Therefore, the total amount of reimbursement for this program may be lower than the statewide cost estimate.

Methodology

Fiscal Years 2001-2002 through 2006-2007

The proposed statewide cost estimate for fiscal years 2001-2002 through 2006-2007 is based on the 12 unaudited actual reimbursement claims filed with the SCO for these years.

Fiscal Year 2007-2008

Staff estimated fiscal year 2007-2008 costs by multiplying the 2006-2007 estimate by the implicit price deflator for 2007-2008 (5.5%), as forecast by Department of Finance.

The proposed statewide cost estimate includes seven fiscal years for a total of \$45,668. This averages to \$6,524 annually in costs for the state.

Following is a breakdown of estimated total costs per fiscal year:

**TABLE 1. BREAKDOWN OF ESTIMATED
TOTAL COSTS PER FISCAL YEAR**

Fiscal Year	Number of Claims Filed with SCO	Estimated Cost
2001-2002	2	\$ 4,726
2002-2003	2	4,776
2003-2004	2	5,624
2004-2005	2	5,582
2005-2006	2	8,652
2006-2007	2	7,936
2007-2008	N/A	8,372
TOTAL	12	\$45,668

State Agency Comments

The Department of Finance submitted comments on the draft staff analysis on September 8, 2008, recommending the adoption of the statewide cost estimate be delayed until the reimbursement claims used to develop the cost estimate are audited by the SCO.

Staff disagrees that the cost estimate can be delayed until reimbursement claims are audited.

Government Code section 17551 requires the Commission, if it determines there are costs mandated by the state, to determine the amount to be subvended to local agencies and school districts for reimbursement. Government Code section 17553 requires the Commission, when a determination is made that a mandate exists, to adopt regulations to ensure that a statewide cost estimate is adopted within 12 months after receipt of a test claim. Therefore, state law does not allow the Commission to delay adoption of the statewide cost estimate until the claims are audited by the SCO.

Moreover, Department of Finance's recommendation to delay the adoption of the statewide cost estimate is not consistent with the statutory scheme in Government Code section 17500 et seq. The adoption of a statewide cost estimate triggers other functions that can lead to an appropriation of funds for the mandated program. Government Code section 17600 requires the Commission to report the statewide cost estimate to the Legislature. Once the Commission reports the statewide cost estimates to the Legislature, Government Code section 17562 requires the Legislative Analyst's Office to review the new mandate(s) and make recommendations to the Legislature as to whether the mandate should be repealed, funded, suspended, or modified. The Legislature then has the authority under Government Code section 17612 to amend, modify, or supplement parameters and guidelines, reasonable reimbursement methodologies, and/or the statewide cost estimates of the mandated programs; or can fund the program for costs incurred in prior years in the subsequent Budget Act. Thus, the adoption of the statewide cost estimate is necessary for the Legislature to appropriate funds. Furthermore, a delay in the appropriation of funds can lengthen the audit period of the State Controller's Office. Government Code section 17558.5 provides that a reimbursement claim is subject to the initiation of an audit by the Controller no later than three years after the date that the reimbursement claim is filed or last amended, whichever is later, unless there has been no appropriation or payment to a claimant. "[I]f no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim." Accordingly, a delay in adopting a statewide cost estimate is not consistent with the way the Legislature established the mandate reimbursement process.

Therefore, staff finds that the Commission should not delay adoption of this statewide cost estimate.

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$45,668 (\$6,524 in annual costs) for costs incurred in complying with the *Pupil Safety Notices* program.

PAGES 9-100 LEFT BLANK INTENTIONALLY

Exhibit A



DEPARTMENT OF
FINANCE
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR

STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

September 8, 2008

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RECEIVED
SEP 08 2008
COMMISSION ON
STATE MANDATES

Dear Ms. Higashi:

Pursuant to your letter of August 20, 2008, the Department of Finance has reviewed the Proposed Statewide Cost Estimate for test claim No. 02-TC-13 (*Pupil Safety Notices*) submitted by the San Juan Unified School District.

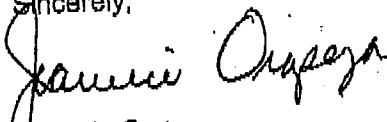
The draft staff analysis estimates a total cost of \$45,668 for the years 2001-02 through 2007-08. This estimate is based on 12 actual, unaudited claims filed between 2001-02 and 2006-07 and a cost estimate for 2007-08. Late claims for 2002-03 through 2006-07 may be filed until June 2009, which may increase the statewide cost estimate. Existing claims, plus any additional late claims, should constitute the maximum statewide cost exposure; Commission staff expect that most school districts would not be able to meet the \$1,000 minimum threshold for filing reimbursement claims because only a portion of the program was approved as a reimbursable state mandate and there are offsetting revenues available for a portion of the mandate.

Finance believes that it is not possible to accurately estimate the statewide cost until claims are audited, because the State Controller's Office may deem any reimbursement claim to be excessive or unreasonable, and reduce the total costs of filed claims. Therefore, we believe that development of a proposed Statewide Cost Estimate would be premature at this time.

As required by the Commission's regulations, a "Proof of Service" has been enclosed indicating that the parties included on the mailing list which accompanied your August 20, 2008 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Ryan Storm, Principal Program Budget Analyst at (916) 445-0328.

Sincerely,


Jeannie Oropeza
Program Budget Manager

Attachment

Attachment A

DECLARATION OF RYAN STORM
DEPARTMENT OF FINANCE
CLAIM NO. 02-TC-13

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.
2. We concur that the Chapter 498, Statutes of 1983, Chapter 482, Statutes of 1984, Chapter 948, Statutes of 1984, Chapter 196, Statutes of 1986, Chapter 332, Statutes of 1986, Chapter 445, Statutes of 1992, Chapter 1317, Statutes of 1992, Chapter 589, Statutes of 1993, Chapter 1172, Statutes of 1994, Chapter 1023, Statutes of 1996, Chapter 492, Statutes of 2002 sections and California Code of Regulations, Title 5, Section 11523 relevant to this claim are accurately quoted in the test claim submitted by claimants and, therefore, we do not restate them in this declaration.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

August 29, 2008

at Sacramento, CA



Ryan Storm

PROOF OF SERVICE

Test Claim Name: Pupil Safety Notices
Test Claim Number: 02-TC-13

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 7 Floor, Sacramento, CA 95814.

On September 8, 2008, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 7 Floor, for Interagency Mail Service, addressed as follows:

A-16

Ms. Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Facsimile No. 445-0278

San Juan Unified School District
3738 Walnut Avenue
Carmichael, CA 95609

Ms. Linda C. T. Simlick
San Juan Unified School District
3738 Walnut Avenue
P.O. Box 477
Carmichael, CA 95609-0477

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd., #307
Sacramento, CA 95842

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 894059
Temecula, CA 95670

Mr. Steve Smith
c/o Steve Smith Enterprises, Inc.
2200 Sunrise Blvd., Suite 220
Gold River, CA 95670

Mr. Robert Miyashiro
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

Mr. Arthur Palkowitz
San Diego Unified School District
Office of Resource Development
4100 Normal Street, Room 3209
San Diego, CA 92103-8363

Ms. Jeannie Oropeza
Department of Finance (A-15)
Education Systems Unit
915 L Street, 7th Floor
Sacramento, CA 95814

A-15
Ms. Ginny Brummels
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Ms. Susan Gearacou
Department of Finance (A-15)
915 L Street, Suite 1190
Sacramento, CA 95814

Ms. Jolene Tollenaar
MGT of America
455 Capitol Mall, Suite 600
Sacramento, CA 95814

Mr. Keith B. Petersen
c/o Sixten & Associates
3841 North Freeway Blvd., Suite 170
Sacramento, CA 95834

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 8, 2008 at Sacramento, California.



Annette Waite

Education Systems Unit
915 L Street, Capitol Place, 7th Floor
Sacramento, CA 95814-4998
Phone: (916) 445-0328
FAX: (916) 323-8530

Department of Finance

Fax

To: *Ms. Paula Higashi*

From:

Fax: *445-0278*

Pages: (including cover) *4*

Phone: *323-3562*

Date: *9.8.08*

Re: *Mandate 02-TC-13*

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● **Comments:**

ITEM 13
EXECUTIVE DIRECTOR'S REPORT
Workload, Budget, and
Upcoming Tentative Agendas

I. WORKLOAD: PENDING CASELOAD (Info)

Type of Action	September 11, 2008
Test Claims ¹ to be Heard and Determined	63
Test Claims to be Reconsidered	0
Test Claims to be Reconsidered Based on Court Action	0
Test Claims to be Reconsidered, as Directed by the Legislature	0
Incorrect Reduction Claims to be Heard and Determined	141
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0
Reasonable Reimbursement Methodologies/Statewide Estimate of Costs	0
Proposed Parameters and Guidelines, and Amendments	24
Parameters and Guidelines to be Amended or Set Aside, as Directed by the Legislature or Court Action	1
Statewide Cost Estimates to be Adopted	14
New Test Claim Filings to be Reviewed	0
New Incorrect Reduction Claim Filings to be Reviewed	0
Appeals of Executive Director's Decision	0
Regulatory Actions Pending	0

II. STATE BUDGET (Info/Action)

A. Commission Budget

There has been no change in the status of the State Budget. Following is information reported at the last hearing:

Both houses approved the Commission's budget for the 2008-09 fiscal year, including a proposed \$168,000 reduction, and a \$75 million General Fund reduction for mandate reimbursement because local governments' authority to file estimated reimbursement claims has been repealed.

Conference Committee approved the following two mandates issues:

1. Budget trailer bill language to reconsider the *Sexually Violent Predator* test claim – after final decision in CSBA litigation.
2. Defer annual repayment of \$75 million to cities and counties (prior year mandate debt). State law requires that reimbursement be made by 2020.

¹ This includes 40 test claims filed by school districts and 23 filed by local agencies.

B. Next Hearing: November 6, 2008

With no budget in place, expenses for the August 1 and September 26, 2008 Commission meetings cannot be paid until the budget is signed. This includes expenses for Members Glaab, Olsen, and Worthley. The Commission's next meeting is scheduled for November 6, 2008.

Should the Commission cancel the November meeting if no budget is signed by October 17, 2008 (one week prior to November binders being issued)?

C. Agenda Items and Exhibits

At the August 1, 2008 meeting, Commission Members were provided with large exhibits for agenda items in CD format rather than hard copy format. This was done to reduce costs, use of paper, and provide large records to Members in a less cumbersome format. The Members supported the increased use of electronic formats, and agreed that staff should develop an electronic format for the entire meeting, such as using laptop computers and providing members with CDs and/or flash drives. Staff stated they would survey the Members on specific needs and preferences prior to developing a plan to increase use of electronic formats at the Commission meetings. The Executive Director will issue the survey during the week of September 15 and will discuss the results at the meeting.

III. REPORT TO DIRECTOR, DEPARTMENT OF FINANCE (Info)

On September 12, 2008, the Commission submitted its annual report on workload to the Director of the Department of Finance.² The annual Budget Act requires the Commission on State Mandates to report to the Director, Department of Finance on workload levels and backlog.

The Commission has reduced the time it will take to complete its pending test claim workload from 7 to approximately 3.5 years. However, one staff counsel position is proposed for elimination in the 2008-2009 State Budget. This action will increase the time it takes to eliminate the pending test claim workload. The report shows that there are currently 63 pending test claims, and 141 pending incorrect reduction claims (IRCs). This report also includes descriptions of the subject matter of pending test claims, IRCs, parameters and guidelines, and statewide cost estimates. There is no estimate for elimination of the pending IRC workload.

IV. TENTATIVE AGENDAS (Info)

The tentative agendas are subject to change based on Commission staff's litigation workload, requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, and the complexity of the statutes and executive orders that are pled.

Thursday, November 6, 2008

A. Test Claims (1)

1. *Tuition Fee Waivers*, 02-TC-21
Contra Costa Community College Districts

B. Proposed Parameters and Guidelines (2)

1. *Modified Primary Election*, 01-TC-13
County of Orange, Claimant

²A copy of this report is included on the CD enclosed in the Member Binders. Member Chivaro's copy of the report is under Item 14 in his Member Binder.

2. *Permanent Absent Voter II*, 03-TC-11
County of Sacramento, Claimant
- C. Proposed Parameters and Guidelines Amendments (5)
 1. *Graduation Requirements*, 4181A, 05-PGA-05, 06-PGA-04, 06-PGA-05
San Diego Unified School District, Castro Valley, Clovis, and San Jose Unified School Districts; Fullerton Joint Union High School District, and Grossmont and Sweetwater Union High School Districts, Mountain View-Los Altos Hill High School District, and State Controller's Office and Requestors
 2. *Pesticide Use Reports*, 06-PGA-02
Department of Pesticide Regulations, Requestor
- D. Statewide Cost Estimates (2)
 1. *Domestic Violence Arrests and Victims Assistance*, 98-TC-14
County of Los Angeles, Claimant
 2. *Pupil Expulsion Hearing Costs*, (*San Diego Unified School District v. Commission on State Mandates, et al.*, 2004 – 33Cal.4th 859)

Friday, January 30, 2009

- A. Test Claims (5)
 1. *Notice to Students and Minimum Conditions for State Aid*,
02-TC-25 and 02-TC-31
Los Rios and Santa Monica Community College Districts, Claimants
 2. *Cal Grants*, 02-TC-28,
Long Beach Community College District, Claimant
 3. *Student Records*, 02-TC-34
Riverside Unified School District and Palomar Community College Districts, Claimants
 4. *Identity Theft*, 03-TC-08
City of Newport Beach, Claimant
- B. Proposed Parameters and Guidelines (2)
 1. *Interagency Child Abuse and Neglect {ICAN} Investigation Reports*,
00-TC-22
County of Los Angeles, Claimant
 2. *Local Government Employment Relations*, 01-TC-30
County of Sacramento, Claimant
- C. Proposed Parameters and Guidelines Amendments (2)
 1. *Integrated Waste Management*, 05-PGA-16
California Integrated Waste Management Board, Requestor
 2. *Request to Amend Parameters and Guidelines to Update Boilerplate Language*, 05-PGA-17
State Controller's Office, Requestor
- D. Proposed Reasonable Reimbursement Methodologies (1)
 1. *Voter Identification Procedures*, 03-TC-23
County of San Bernardino and Department of Finance, Requestors

E. Statewide Cost Estimates (5)

1. *Post Conviction: DNA Court Proceedings*, 00-TC-21, 01-TC-08
County of Los Angeles, Claimant
2. *Mentally Disordered Offenders: Treatment as a Condition of Parole*,
00-TC-28
County of San Bernardino, Claimant
3. *Racial Profiling: Law Enforcement Training*, 01-TC-01
County of Sacramento, Claimant
4. *Fire Safety Inspections of Care Facilities*, 01-TC-16
City of San Jose, Claimant
5. *National Norm-Referenced Achievement Tests (Formerly STAR)*
04-RL-9723-01

Commission on State Mandates

Original List Date: 2/24/2003
Last Updated: 4/26/2007
List Print Date: 09/10/2008
Claim Number: 02-TC-13
Issue: Pupil Safety Notices

Mailing Information: Final Staff Analysis

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

Ms. Linda C. T. Simlick
San Juan Unified School District
3738 Walnut Avenue
P.O. Box 477
Carmichael, CA 95609-0477

Tel: (916) 971-7110

Fax: (916) 971-7704

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1350

Fax: (916) 727-1734

Ms. Sandy Reynolds
Reynolds Consulting Group, Inc.
P.O. Box 894059
Temecula, CA 92589

Tel: (951) 303-3034

Fax: (951) 303-6607

Mr. Steve Smith
Steve Smith Enterprises, Inc.
2200 Sunrise Blvd., Suite 220
Gold River, CA 95670

Tel: (916) 852-8970

Fax: (916) 852-8978

Mr. Robert Miyashiro
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

Tel: (916) 446-7517

Fax: (916) 446-2011

Mr. Arthur Palkowitz
San Diego Unified School District
Office of Resource Development
4100 Normal Street, Room 3209
San Diego, CA 92103-8363

Tel: (619) 725-7785

Fax: (619) 725-7564

Ms. Beth Hunter

Centration, Inc.

8570 Utica Avenue, Suite 100
Rancho Cucamonga, CA 91730

Tel: (866) 481-2621

Fax: (866) 481-2682

Mr. Steve Shields

Shields Consulting Group, Inc.

1536 36th Street
Sacramento, CA 95816

Tel: (916) 454-7310

Fax: (916) 454-7312

Mr. Jim Spano

State Controller's Office (B-08)

Division of Audits
300 Capitol Mall, Suite 518
Sacramento, CA 95814

Tel: (916) 323-5849

Fax: (916) 327-0832

Ms. Carol Bingham

California Department of Education (E-08)

Fiscal Policy Division
1430 N Street, Suite 5602
Sacramento, CA 95814

Tel: (916) 324-4728

Fax: (916) 319-0116

Mr. David E. Scribner

Scribner & Smith, Inc.

2200 Sunrise Boulevard, Suite 220
Gold River, CA 95670

Tel: (916) 852-8970

Fax: (916) 852-8978

Mr. Joe Rombold

School Innovations & Advocacy

11130 Sun Center Drive, Suite 100
Rancho Cordova, CA 95670

Tel: (916) 669-5116

Fax: (888) 487-6441

Ms. Donna Ferebee

Department of Finance (A-15)

915 L Street, 11th Floor
Sacramento, CA 95814

Tel: (916) 445-3274

Fax: (916) 323-9584

Mr. David Cichella

California School Management Group

3130-C Inland Empire Blvd.
Ontario, CA 91764

Tel: (209) 834-0556

Fax: (209) 834-0087

Mr. Patrick Day

San Jose Unified School District

855 Lenzen Avenue
San Jose, CA 95126-2736

Tel: (408) 535-6572

Fax: (408) 286-4965

Ms. Jeannie Oropeza
Department of Finance (A-15)
Education Systems Unit
915 L Street, 7th Floor
Sacramento, CA 95814

Tel: (916) 445-0328
Fax: (916) 323-9530

Ms. Ginny Brummels
State Controller's Office (B-08)
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Tel: (916) 324-0256
Fax: (916) 323-6527

Ms. Susan Geanacou
Department of Finance (A-15)
915 L Street, Suite 1190
Sacramento, CA 95814

Tel: (916) 445-3274
Fax: (916) 324-4888

Ms. Jolene Tollenaar
MGT of America
455 Capitol Mall, Suite 600
Sacramento, CA 95814

Tel: (916) 712-4490
Fax: (916) 290-0121

Mr. Keith B. Petersen
SixTen & Associates
3841 North Freeway Blvd., Suite 170
Sacramento, CA 95834

Tel: (916) 565-6104
Fax: (916) 564-6103

